

§ 931.1

AUTHORITY: 30 U.S.C. 1201 *et seq.*

SOURCE: 45 FR 86489, Dec. 31, 1980, unless otherwise noted.

§ 931.1 Scope.

This part contains all rules applicable only within New Mexico that have been adopted under the Surface Mining Control and Reclamation Act of 1977.

§ 931.10 State regulatory program approval.

The New Mexico State Program as submitted on February 28, 1980, and amended and clarified on June 11, 1980, August 7, 1980, and September 10, 1980, was conditionally approved, effective December 31, 1980. Copies of the approved program together with copies of the letter of the New Mexico Energy and Minerals Department, Division of Mining and Minerals, agreeing to the conditions in 30 CFR 931.11 are available at:

(a) Mining and Minerals Division, Energy, Minerals and Natural Resources Department, 2040 South Pacheco Street, Santa Fe, NM 87505.

(b) Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette NW., suite 1200, Albuquerque, NM 87102.

[47 FR 47380, Oct. 26, 1982, as amended at 55 FR 17607, Apr. 26, 1990; 59 FR 17933, Apr. 15, 1994]

§ 931.11 Conditions of the State program approval.

The approval of the State program is subject to the following conditions:

(a)–(d) [Reserved]

(e) The approval found in § 931.10 will terminate on March 15, 1983, unless New Mexico submits to the Secretary

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by that date copies of fully implemented regulations containing provisions which are the same or similar to those in 43 CFR 4.1290–4.1296, relating to the award of costs, including attorney's fees, in administrative proceedings, or otherwise amends its program to accomplish the same result.

(f)–(j) [Reserved]

[45 FR 86489, Dec. 31, 1980, as amended at 47 FR 23153, 23155, May 27, 1982; 47 FR 47380, Oct. 26, 1982; 48 FR 28088, June 20, 1983; 49 FR 30691, Aug. 1, 1984]

§ 931.13 Preemption of New Mexico laws and regulations.

Under the authority of sections 505(b) of SMCRA, 30 U.S.C. 1255(b), and in accordance with the position taken by the State of New Mexico, the following provisions of New Mexico law and regulation are hereby preempted and superseded as they may apply to coal exploration and surface coal mining and reclamation operations:

The State Wildlife Conservation Act (17–2–37 to 17–2–46 NMSA 1978) to the extent it is inconsistent with provisions of SMCRA related to the Endangered Species Act of 1973 (16 USC 1531 *et seq.*).

§ 931.15 Approval of New Mexico regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
February 28, 1982	May 27, 1982	Procedures for Posting and Publishing Notices of Show Cause Orders.
July 9, 1982	October 26, 1982 ...	CSMC 80–1–19–15(d), 80–1–20–71(i), 20–102(a); 80–1–29–12(b), definition of "Unconsolidated Stream-laid Deposits Holding Streams".
February 8, 1984	August 1, 1984	CSMC 80–1–14–23(a), (b).
June 6, 1984	January 4, 1985	CSMC 80–1–1–5 definition of roads; 80–1–20–150, 151.
June 20, 1984, July 18, 1984.	January 31, 1985 ...	CSMC 80–1–1–11; 80–1–11–30; 80–1–20–103.
August 12, 1987	February 11, 1988 ..	CSMC 80–1–30–12(c) through (l).
September 1, 1988 ...	January 30, 1989 ...	CSMC 80–2–22–29(p).
June 17, 1987	March 9, 1989	CSMC 80–1–5–25, –26; 80–1–8–11; 80–1–9–18; 80–1–11–27, 80–1–20–89, –102, –103, –106, –181; 80–1–29–11; 80–1–33 Training, Examination, and Certification of Blasters.
April 18, 1988, October 20, 1988.	March 17, 1989	CSMC 80–1–20–71(b), –81, –83(b), –85, –92(b).